

AFFIDAVIT OF AARON MCFARLANE

I, Aaron McFarlane, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since November 2008. During my tenure with the FBI, I have been assigned to the Economic Crimes Unit of the Boston Division to investigate bank fraud, wire fraud, securities fraud, mortgage fraud and other types of financial crimes, as well as more recently to the Violent Crime Task Force, which investigates bank robberies, abductions and other violent crimes. Prior to my employment with the FBI, I was a Police Officer for the City of Oakland, California, for approximately five years.

2. As an Oakland Police Officer, I investigated numerous crimes ranging from simple misdemeanors to narcotics violations, bank robberies and homicides. I personally investigated hundreds of crimes. As a Special Agent with the Violent Crimes Task Force, I have responded to over fifty bank robberies. I have also received specialized training regarding investigative techniques, evidence handling and how to respond to a crime in progress or just committed.

3. I am aware that Title 18, United States Code, Section 2113(a) makes it a crime to use force and violence, or intimidation, to take, or attempt to take, from the person or presence of another, any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any federally insured bank. Having so said, I make this affidavit in support of a criminal complaint charging Michael Fidler, date of birth 8/XX/1978, with robbing the Sovereign Bank branch at 437 Rutherford Avenue in Charlestown, Massachusetts, on July 19, 2011. The facts stated herein are known to me through my own investigation as well as the investigation and observations made by others with whom I have

spoken. This affidavit does not contain all facts known to me, just those which are sufficient to establish probable cause that a bank robbery was committed by Michael Fidler.

4. Shortly after 4:00 p.m. on July 19, 2011, the Sovereign Bank at 437 Rutherford Avenue in Charlestown, a federally-insured institution at that time, was robbed in a note job robbery. Just prior to the robbery, a female bank customer observed two males loitering near the front entrance, both in white t-shirts, as she was talking on her cell phone and approaching the entrance of the bank. According to the statements given by this witness during an interview of her immediately after the robbery, she thought both men were drunk or high. The customer was uncomfortable finishing her call near them so she entered the ATM vestibule of the bank.

5. After the customer finished her call, she entered the bank lobby and walked to a teller window. While she was conducting her transaction, she heard one of the two men yell, "hurry up!" She thought it was rude and looked in the direction of the teller window where she saw one of the two men standing. This person turned away and rushed out of the bank; the customer then heard the teller say that she had just been robbed. The customer described this male as 6' tall, heavy with a "belly," approximately 50 years old and wearing a white t-shirt. The other suspect was also about 6' tall, but thin. Both were white males. The second individual was also wearing a white t-shirt and appeared to be about 45 years old, according to the customer.

6. Two tellers were also interviewed following the robbery. According to one of them, who is a teller supervisor ("Supervising Teller 1"), the older, heavier suspect initially approached her. She was taking an online test using a computer at a teller window at the time, so she told the man that she could not help him and directed him to another window. Supervising Teller 1 described the suspect as a white male, about 5'5" tall, 180-200 pounds in weight ("fat"), in his thirties, and wearing a white hat and white t-shirt.

7. The teller at the second window ("Teller 2") told investigators that she saw the suspect get re-directed to her. He handed her an ATM envelope with writing on it ("ALL money No dy [sic] pack Hurry"). As she was reading it he said "money, money, no dye pack." Teller 2 gave him \$500 cash and a dye pack; he then left through the bank's main entrance.

8. Teller 2 described the suspect as a white male in his thirties, "heavy", about 5'10" and dressed in a baseball hat, white t-shirt, and blue jeans. She said he had a lot of tattoos on his right arm and he appeared to be high or drunk.

9. Because Teller 2 made a noise to Supervising Teller 1 indicating that the bank was being robbed, Supervising Teller 1 triggered the silent alarm. Boston Police arrived and obtained a description of the suspects. This was broadcast immediately. While they were getting more detailed information, Boston Police Officer Walsh saw defendant Fidler, who was well-known to him based on prior encounters. Officer Walsh saw Fidler running across Rutherford Avenue (the street the bank is on) onto the Austin Street overpass, heading towards Bunker Hill Community College. Fidler was wearing a white t-shirt and carrying a gray t-shirt and a white baseball cap. Walsh got out of his cruiser and yelled for Fidler to stop but he did not. Walsh chased him down; when he got near him, Walsh saw Fidler with his right hand in his pocket. Fidler refused Walsh's command to show his hands and the two struggled briefly.

10. At the time he was taken into custody, Fidler had red stains on his jeans and t-shirt which were consistent with a dye pack explosion. He was brought back to the bank and shown to the victim teller. She could not identify him for certain because, she said, the robber wore a baseball hat low during the robbery. She did remember a large tattoo on his right forearm that she saw when he reached to take the money. Fidler has a large tattoo on his right forearm.

11. Supervising Teller 1 also saw Fidler when he was brought back to the bank. She

identified him as the robber.

12. Fidler was arrested. Following his arrest, the police recovered \$350 in dye-stained cash from Fidler's pants pocket. It is likely that he was trying to discard it when Officer Walsh was chasing him, after discarding \$150 of the money he got from the teller. A witness later observed another person recovering stained money from a sewer in the vicinity of the bank.

13. Fidler was wearing a gray t-shirt with the word "Guard" in large letters across it, with a white t-shirt underneath. His clothing, which is stained, was seized. The note was recovered. No fingerprint evidence has been obtained yet. The bank surveillance shows the robber's partial face under a baseball cap. It clearly shows the two t-shirts and what could be a tattoo on his arm. Further, Fidler's tattoo is not visible in the surveillance print in any distinct manner; instead, it looks like his forearm is either tattooed heavily or very dirty or hairy. All of the witnesses described his shirt as white or light colored. None of the witnesses mentioned the prominent logo on the outer t-shirt, which reads "GUARD." The color photocopies of the surveillance video stopped frame shots make his outer t-shirt look medium blue or gray, however. The other individual seen outside the bank by the customer/witness had on a white, sleeveless t-shirt. His build is slender, however, and the two tellers described the robber as heavy

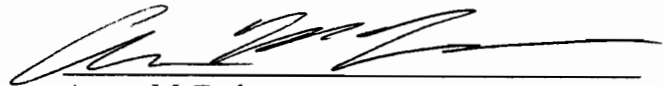
14. I have observed the surveillance video and, separately, photographs of Fidler taken after his arrest. I believe that the surveillance video shows Michael Fidler in the process of robbing the Sovereign Bank branch at 437 Rutherford Avenue in Charlestown, Massachusetts on July 19, 2011, based upon the similarity of his baseball cap, t-shirts, physical appearance and facial features. Boston Police Officer Tolland has had prior dealings with Fidler; Officer Tolland also reviewed the surveillance video and recognized Fidler as the robber shown in the video.

15. In addition, the fact that red-stained cash was found on Fidler after the robbery

and Fidler's clothing was also stained indicates that he robbed a bank and was given an exploding dye pack, just as the victim teller at the bank did, Further, the two tellers described the robber as being "heavy," and Michael Fidler is overweight. The Boston Police Department booking sheet lists his height as 5'11" and his weight as 190 pounds.

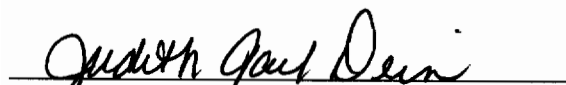
16. I have reviewed Michael Fidler's criminal history, and it contains numerous convictions relating to the possession, or possession and distribution, of illegal drugs. He also has faced charges for robbery and has convictions for assault and battery and receiving stolen property.

17. Based on all of the foregoing, I believe there is probable cause that Michael Fidler robbed the bank on July 19, 2011, which bank was federally insured at the time, in violation of 18 U.S.C. § 2113(a) .



Aaron McFarlane
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me this 1st day of February, 2012.



The Honorable Judith G. Dein
United States Magistrate Judge